

Amendment After Final Rejection  
Serial No. 09/871,274

Docket No. US018082

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 5, 9, 13-27, 30, 32, 34 and 35 are pending. Claims 5 and 30 stand rejected.

Claims 9, 13-27, 32, 34 and 35 are allowed. Claims 5 and 30 have been amended.

Claims 5 and 30 stand rejected under 35 USC 102(b) as being anticipated by Calderbank (USP no. 5,115,453), which is the same reference cited in rejecting these claims in the prior Office Action. In reply to applicant remarks in response to the rejection of the claims in the prior Office Action, the instant Office Action states "since the claims do not restrict the number of bits for each input bit to two, the Claderbank patent still reads on the claimed invention."

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the claims have been amended to recite "means for encoding a first first bit and a first second bit for each bit in the first bit stream; and means for encoding a second first ~~third~~ bit and a second second ~~fourth~~ bit for each bit in the second bit stream." In this matter, the claims clearly recite the generation of two bits for each bit in each of the bit streams.

In view of the remarks made in the Office Action regarding claims 5 and 30 not limiting the number of bits for each input to two, applicant believes that the amendments made to the claims clearly recite that two bits are generated for each bit and that the the claims, as amended, distinguish the instant invention from the teachings of Claderbank.

For at least this reason, applicant submits that the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.

Applicant thanks the examiner for the indication of allowable subject matter in claims 9, 13-27, 32, 34 and 35.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the

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prior art or any further review only require a cursory review is required by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: September 15, 2006

  
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